

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator  
L. Carol Edmonds, Assistant County Administrator

DATE: October 13, 2009

**SUBJECT: AGENDA REPORT**

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**I. CALL TO ORDER**

**II. INTO CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of an Public Body
1. Adjustment and Appeals Board
  2. Personnel

**III. OUT OF CLOSED MEETING**

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

**IV. CERTIFICATION OF CLOSED MEETING**

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

**V. INVOCATION**

**VI. PLEDGE OF ALLEGIANCE**

**VII. DELEGATION**

**A. SUBJECT: VIRGINIA DEPARTMENT OF TRANSPORTATION**

**Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

## **VIII. PUBLIC HEARINGS**

### **A. SUBJECT: BOARD OF SUPERVISORS**

The following public hearing was advertised pursuant to law in the Current Section of the Roanoke Times on September 29, 2009 and October 6, 2009:

#### **1. GENERAL OBLIGATION SCHOOL BOND**

A resolution authorizing the issuance of not to exceed \$8,250,000 principal amount of a General Obligation School Bond of the County of Montgomery, Virginia. The Bond is to be issued for financing capital projects for public school purposes and is to be sold to the Virginia Public School Authority. See TAB A for a copy of the proposed resolution.

## **IX. PUBLIC ADDRESS**

## **X. ADDENDUM**

## **XI. CONSENT AGENDA**

## **XII. OLD BUSINESS**

### **A. SUBJECT: GENERAL OBLIGATION SCHOOL BONDS NEW ELLISTON/SHAWSVILLE AREA ELEMENTARY SCHOOL**

**R-FY-10-  
RESOLUTION AUTHORIZING THE ISSUANCE OF A NOT TO EXCEED  
\$8,250,000 GENERAL OBLIGATION SCHOOL BOND, SERIES 2009,  
OF THE COUNTY OF MONTGOMERY, VIRGINIA, TO BE SOLD TO  
THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
NEW ELLISTON/SHAWSVILLE AREA ELEMENTARY SCHOOL**

SEE TAB A for a copy of the resolution.

**ISSUE/PURPOSE:** Resolution authorizing the issuance of a General School Obligation Bond not to exceed \$8,250,000 to be sold to the Virginia Public School Authority.

JUSTIFICATION: See TAB A for a copy of the resolution.

A public hearing was held earlier tonight to receive citizens' comments on the issuance of bonds.

**B. SUBJECT SPECIAL USE PERMIT – WILLIAM AND SUSAN OSBORNE**

**R-FY-10-  
SPECIAL USE PERMIT  
WILLIAM E. & SUSAN MCGANN OSBORNE  
(AGENT: GAY AND NEEL)  
FOR THE PURPOSE OF ALLOWING A  
CONTRACTORS STORAGE YARD  
IN THE PRICES FORK MAGISTERIAL DISTRICT (DISTRICT E)  
PARCEL ID # 013253, 011315, TAX MAP NUMBERS 52-3-2C  
AND A PORTION OF 52-3-2D.**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by William E. & Susan McGann Osborne (**Agent: Gay and Neel**) request for a Special Use Permit (SUP) on approximately 3.385 acres in an Agriculture (A1) zoning district to allow a Landscape Contractors Storage Yard is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. This special use permit authorizes use of the property for a landscape contractor's storage yard and shall conform to the Site Plan dated February 25, 2009 and revised March 19, 2009. No retail sales of any nature shall be permitted on the property.
2. No new structures or buildings or additions to the existing structures or buildings shall be placed on the property.
3. No more than fifteen (15) employee vehicles shall be parked on the property at any given time. No employee vehicles shall be parked on adjoining properties or within the VDOT right-of-way.
4. The contractor's storage yard shall not be open to the public and shall create no exterior impacts including noise, vibration, glare, odors, or electrical interference.

5. Equipment stored on the property shall be in good working condition at all times and shall be owned or leased by the property owner or property owner's landscape company.
6. There shall be no outdoor storage of tools or machinery on the property.
7. Storage of all landscaping materials to include but not be limited to trees, block and piping shall be screened from view of adjacent properties.
8. No trash, litter or debris shall accumulate or be stored on the property.
9. The only repair work permitted on the property shall be on vehicles owned or leased by the property owner or the property Owner's Landscape Company. Unless manufactured as off-road vehicles, all vehicles stored on the property shall display current DMV plates and state inspection.
10. All fuel stored on the property shall meet all regulations and best management practices as required by VA DEQ.
11. Any lighting installed on the property shall be dusk to dawn, "full cut-off" type fixtures to avoid glare onto adjacent properties and shall comply with Montgomery County Zoning Ordinance 10-46(9) Performance Standards.
12. Hours of operation shall be limited to 7:00 am through 7:00 pm except for snow removal preparation.
13. A commercial entrance shall be constructed within one month of special use permit approval and shall be maintained to VDOT standards while the use is in existence.
14. A natural buffer shall be maintained surrounding the property consisting of mature evergreen vegetation. Replacement of said evergreen buffer, if necessary, shall be completed within thirty (30) days (season permitting) and shall consist at a minimum of two staggered rows of evergreen trees fifteen feet apart with trees spaced twenty (20) feet apart on center. Tree size shall be in compliance with zoning ordinance requirements.
15. Off-site vegetative debris may be brought on the property for mulching purposes only. There shall be no burning of any debris on the property unless authorized by local or State law.
16. A building permit for the existing metal building shall be applied for and an inspection requested by the property owner within thirty (30) days of the granting of this SUP. A final inspection of the building shall be completed and a Certificate of Occupancy granted within ninety (90) days of the granting of this special use permit.

The property is located at 1806 Brookfield Road and is identified as Tax Parcel No(s) 52-3-2C and a portion of 52-3-2D (Acct Nos. 013253, 011315), in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the Comprehensive Plan.

ISSUE/PURPOSE: Resolution approving the Special Use Permit for William & Susan Osborne.

JUSTIFICATION: At their July 15, 2009 meeting, the Planning Commission recommended denial of the SUP request because the issue of the existing 30' x 40' metal building without a building permit had not been properly addressed. The Planning Commission felt that the request could be approved with conditions provided the building item is resolved. According to the Montgomery County Zoning Ordinance action on this case was required by the Planning Commission within 100 days of their initial public hearing. This request was tabled by the Planning Commission at their April 8, 2009 meeting.

At their September 28, 2009 meeting, the Board of Supervisors agreed that they could support this request if a condition was added that a building permit for the existing metal building be granted within a timely fashion after the SUP was approved.

Condition # 16 was included, and states that a building permit for the existing metal building shall be applied for and an inspection requested by the property owner within thirty (30) days of the granting of this SUP. A final inspection of the building shall be completed and a Certificate of Occupancy granted within ninety (90) days of the granting of this special use permit.

### **XIII. NEW BUSINESS**

**A. SUBJECT: MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF  
MONTGOMERY AND NEW RIVER VALLEY  
COMMUNITY SERVICES**

**R-FY-10-  
MEMORANDUM OF UNDERSTANDING  
BETWEEN THE COUNTY OF MONTGOMERY AND  
NEW RIVER VALLEY COMMUNITY SERVICES  
DEPARTMENT OF JUSTICE PLANNING GRANT**

WHEREAS, At their March 9, 2009 meeting, the Montgomery County Board of Supervisors agreed to serve as the agent for a federal grant application in partnership with the New River Valley Community Services (NRVCS); and

WHEREAS, Montgomery County would pass through the monies to the NRVCS for a Justice and Mental Health Program grant to support justice and mental health collaborations with our local law enforcement community and mental health consumers; and

WHEREAS, In September 2009, Montgomery County was awarded the grant in the amount of \$50,000, the purpose of which is to bring together stakeholders from the 14 law enforcement agencies in the New River Valley, NRVCS, the Mental Health Association of the New River Valley, and mental health consumers and advocates; and

WHEREAS, It was agreed that the NRVCS would have full responsibility for the management, reporting, services, compliance and audit of these federal grant monies and the County, as the applicant, would assign these responsibilities to the NRVCS, serving as a sub-recipient through a Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby enters into a Memorandum of Understanding between the County Of Montgomery and New River Valley Community Services for the administration of the Department of Justice Planning Grant.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes F. Craig Meadows, County Administrator, to execute a Memorandum of Understanding on behalf of the Board of Supervisors.

ISSUE/PURPOSE: Authorize the County Administrator to sign a Memorandum of Understanding.

**JUSTIFICATION:**

At the direction of the federal funding agency, the New River Valley Community Services contacted Montgomery County to ask that the County serve as the applicant for these monies since only state or local governments are permitted to make application.

Representatives of the NRVCS met with local law enforcement agencies to seek their support with the Montgomery County Sheriff's Department agreeing to serve as the criminal justice partner in the application process.

Representatives of the NRVCS also met with the County Finance Director and Finance Manager to develop procedures for ensuring compliance with the grant requirements.

See TAB **D** for copy of the Memorandum of Understanding.

**B. SUBJECT:**

**VIRGINIA ASSOCIATION OF COUNTIES  
VOTING CREDENTIALS 2009 ANNUAL  
MEETING**

**R-FY-10  
VACO 2009 ANNUAL MEETING  
VOTING CREDENTIALS**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes \_\_\_\_\_ to cast its vote at the 2009 Annual Meeting of the Virginia Association of Counties (VACo) on November 10, 2009.

**ISSUE/PURPOSE:**

Designate a representative of the Board of Supervisors or a non-elected official, to vote at VACo's 2009 Annual Business Meeting.

**JUSTIFICATION:**

VACo's bylaws state that each county shall designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting. If a member of the Board of Supervisors cannot be present for the meeting, a county can designate a non-elected official or a member of a board of supervisors from another county to cast a proxy vote(s) for their county.



Last year, the Chair of the Board of Supervisors was designated as representative.

See TAB **E** for a copy of VACo's letter and the Voting Credentials Form.

#### **XIV. INTO WORK SESSION**

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Citizen Appointments to Boards and Commissions ( TAB **F** )
2. Legislative Priorities for 2010 ( TAB **G** )

#### **XV. OUT OF WORK SESSION**

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

#### **XVI. COUNTY ATTORNEY'S REPORT**

#### **XVII. COUNTY ADMINISTRATOR'S REPORT**

#### **XVIII. BOARD MEMBERS' REPORT**

1. Supervisor Marrs
2. Supervisor Biggs
3. Supervisor Politis
  - Reduction of Speed Limit on Fairview Church Road
4. Supervisor Muffo
5. Supervisor Creed
6. Supervisor Brown
7. Supervisor Perkins

**XIX. OTHER BUSINESS**

**XX. ADJOURNMENT**

**FUTURE MEETINGS**

Adjourned Meeting  
Monday, October 26, 2009  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Regular Meeting  
**Thursday, November 12, 2009**  
6:00 p.m. – Closed Meeting Items  
7:15 p.m. Regular Agenda

Special Meeting  
Budget Work Session  
Monday, November 16, 2009  
6:00 p.m.